

Message Text

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PAGE 01 SAN JO 01872 282200Z
ACTION OES-07

INFO OCT-01 ARA-10 IO-13 ISO-00 L-03 EB-08 CA-01
SCS-06 H-01 INR-10 DLOS-09 CG-00 DOTE-00 SS-15
TRSE-00 COME-00 PM-05 CIAE-00 PA-01 ICAE-00
INRE-00 NSCE-00 SSO-00 /090 W
-----098852 282206Z /17

O R 282127Z APR 78
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC IMMEDIATE 0948
INFO AMEMBASSY MEXICO
USMISSION GENEVA

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GENEVA PASS AMBASSADOR CLINGAN, LOS DEL

ELMO. 11652: N/A
TAGS: EFIS CS
SUBJ: GOCR PRESENTS WRITTEN NOTIFICATION OF WITHDRAWAL FROM IATTC

REF: A. SAN JOSE 1858, B. DAVILA/HALLMAN TELCON 4/28

1. AS REPORTED REFTELCON, EMBASSY RECEIVED FIRST PERSON NOTE NO 058 D.M. DATED APRIL 27 ADDRESSED TO SECSTATE VANCE GIVING WRITTEN NOTIFICATION OF GOCR INTENTION TO WITHDRAW FROM INTER-AMERICAN TROPICAL TUNA CONVENTION. IN ADDITION, NOTE STATES THAT EFFECTIVE APRIL 27 (DATE OF NOTE) FOREIGN FLAG VESSELS WISHING TO FISH IN COSTA RICAN PATRIMONIAL WATERS WILL BE REQUIRED TO OBTAIN APPROPRIATE PERMITS AS ESTABLISHED IN ARTICLE 3 OF LAW 5775 (SEE REFTEL).

2. NOTE ASSERTS THAT IATTC CONVENTION NOT COMPATIBLE WITH ACCEPTED PRINCIPLES OF NEW LAW OF THE SEAS. WHILE GOCR ACCEPTS OBLIGATION TO COOPERATE IN CONSERVATION OF HIGHLY MIGRATORY SPECIES (SUCH AS TUNA) PER ARTICLE 64 OF DRAFT LOS, SUCH OBLIGATION DOES NOT CONTRADICT THE PRIMORDIAL RIGHTS OF THE RIPARIAN STATE TO EXPLOIT THE
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FISHERIES THAT ARE FOUND IN ITS CORRESPONDING EXCLUSIVE ECONOMIC

ZONE. NOTE RECALLS SAN JOSE PLENIPOTENTIARIES MEETING (SEPTEMBER 17-20) WHEREIN GOCR AND MEXICO PROPOSED NEGOTIATION OF NEW TREATY THAT WOULD RECONCILE THESE DIFFERENCES BUT POINTS OUT THAT THERE WAS STRONG OPPOSITION FROM THE NON-LATIN AMERICAN POWERS. THUS, THE NOTE CONTINUES, GOCR AND MEXICO "FORMALLY ANNOUNCED" DECISION TO

DENOUNCE THE IATTC CONVENTION. NEVERTHELESS, HOPE IS EXPRESSED THAT NEW CONVENTION CAN BE NEGOTIATED IN 1978.

3. EMBASSY RECOMMENDS THAT DEPARTMENT MAKE FORMAL REPLY CONTAINING INTER ALIA LEGALLY REQUIRED US COUNTER ACTIONS TO SEIZURES THAT MIGHT OCCUR OUTSIDE TWELVE MILE LIMIT, ENUNCIATED IN LEAST CONFRONTATIONAL MANNER POSSIBLE. PRESENTATION IN THIS FORM OF US POSITION

AND APPLICABLE LEGISLATION SHOULD BE MADE PRIOR TO INAUGURATION OF PRESIDENT-ELECT CARAZO ON MAY 8, TO AVOID, TO EXTENT POSSIBLE, THAT IT BE VIEWED AS A CHALLENGE TO NEW GOVERNMENT. CONCEIVABLY, THIS TIMING MIGHT PERMIT NEW GOVERNMENT TO EXERCISE GREATER FLEXIBILITY IN FRAMING NEW OR MODIFYING CURRENT GOCR POSITION THAN WOULD BE THE CASE IF DEMARCHE WERE PRESENTED TO IT JUST AFTER ASSUMPTION OF POWER.

4. SPANISH TEXT OF NOTE BEING TRANSMITTED SEPTEL.
WEISSMAN

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Message Attributes

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Draft Date: 28 apr 1978
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